

**REMARKS**

The present remarks are in response to the Office Action dated January 31, 2005, and the Notice of Abandonment dated June 8, 2005, in which the Examiner placed the patent application in abandonment. The Applicant has amended claim 1 according to the immediately prior Office Action of record concerning the claims. The Applicant respectfully responds to the Examiner's Detailed Action and requests the Examiner place all claims detailed in the application in a state of allowance.

**A. Rejection of Claims Under 35 USC § 112**

Claim 1 has been rejected by the Examiner under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant disagrees and reserves the right to make arguments at a later time; however, to expedite the prosecution of this patent application, Applicant has amended claim 1 as described below.

The Examiner has rejected claim 1 because it was not clear to the Examiner what "the wholly encapsulated inner core shell housing" was directed to. Applicant has amended claims to clarify an inner core shell configured to house a chemiluminescent liquid mixture that causes the illumination of a ball. Additionally, the inner core shell is configured to be spherical in order to provide substantially even weight distribution throughout the ball. The Applicant is

confident in the amendment's clarity and respectfully submits that claim 1 overcomes the 112 rejection.

**B. Rejection of Claims Under 35 USC § 103**

Claim 1 has been rejected by the Examiner under 35 USC § 103(a) as being unpatentable over Newcomb, et al., US Patent 4,695,055 (hereinafter referred to as "Newcomb"). The Applicant respectfully disagrees and reserves the right to make arguments at a later time; however, in order to expedite the prosecution of this patent application, Applicant has amended claim 1.

Regarding 35 USC § 103(a), three basic criteria must be met in order to establish a case of obviousness, as stated in Section 2143 of the Manual of Patent Examining Procedure. One notable factor being that "the prior art references (or references when combined) must teach or suggest all the claim limitations." The Applicant respectfully submits that Newcomb fails to teach all the claim limitations of the amended claim.

Referring to claim 1, Newcomb fails to teach or suggest all the claim limitations including, *inter alia*, a ball having an inner core shell configured to house a chemiluminescent liquid mixture that causes the illumination of a ball. More specifically, Newcomb fails to teach or suggest the inner core shell being spherical in order to provide substantially even weight distribution throughout the ball. Additionally, Newcomb fails to teach or suggest a substantially spherical inner chamber containing a first and second component that combine to form a chemiluminescent liquid mixture when sufficient force is applied to the ball, due to a partitioning element being made to rupture. Notably, this spherical inner

chamber provides the additional benefit of itself being a structural component inside a solid golf ball that provides substantially even weight distribution, which lends itself to providing performance characteristics similar to standard, nonluminescent golf balls. Furthermore, Newcomb fails to teach, *inter alia*, spherical inner core shell that provides the foundational core of the golf ball.

Therefore, and in light of the presented claim amendments, it is demonstrated, *inter alia*, that the invention is inconsistent with the teachings of Newcomb and overcomes the obviousness rejection.

**D. Conclusion**

For all the forgoing reasons, allowance of claim 1 is respectfully requested.

Respectfully Submitted;



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